

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C010-2015-0024-CX
February 5, 2015**

**Reciprocal Access Road
Right-of-way and Easement**

Location: **Iron County, Utah**
 UTU-88508 – Road Right-of-way
 T. 33 S., R. 20 W., SLM
 sec. 23, SE1/4NE1/4, W1/2NE1/4SE1/4, W1/2SE1/4SE1/4;
 sec. 26, W1/2NE1/4NE1/4, SE1/4NE1/4, NE1/4NE1/4SE1/4;

Iron County, Utah
 UTU-88508-PT – Easement Road
 T. 33 S., R. 20 W., SLM
 sec. 14, SE1/4SE1/4;
 sec. 23, NE1/4NE1/4;

Applicant/Address: Les, Heidi and William White
 Cedar City, Utah

BUREAU OF LAND MANAGEMENT
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
Telephone (435) 865-3000



CATEGORICAL EXCLUSION DOCUMENTATION

A. Background

BLM Office:	Cedar City Field Office (LLUTC01000)
Lease/Serial/Case File No.:	UTU-88508/ UTU-88508-PT
Proposed Action Title/Type:	Reciprocal Access Road Rights-of-Way and Easement
Location of Proposed Action:	Goad Springs Road, Paradise Mountain Range, Iron County

Description of Proposed Action:

The proposed action is to grant a road right-of-way (ROW) on an existing road system to the proponent's private parcel managed by the Bureau of Land Management (BLM). BLM would grant a road ROW across Federal lands to the applicant's private property in reciprocation for an access road easement across the applicant's private parcel for administrative purposes to Federal lands that are only accessible by going through the proponent's private property. The proposal would be pursuant to authorization under Title V, Federal Land Policy and Management Act and the regulations of 43 Code of Federal Regulations (CFR) 2800 and 2100.

The ROW would allow the applicants the right to operate and maintain the existing road as identified on the attached map. The road is currently identified as an Iron County Class "D" road. The ROW would be authorized for what is currently disturbed. The road ROW would be use to access the proponents cabin, located on private land. The proposed ROW would not be improved or upgraded from its current condition. The proponent would maintain the road within its current disturbed area which is approximately 15 feet in width by 7,392 feet (1.4 miles) in length, totaling 2.55 acres.

The BLM would acquire an administrative easement allowing BLM, its contractors and permittees, access across the applicant's private property to the surrounding Federal lands that are only accessible by going through the proponent's private property. The easement would be used for official government business. Acquisition of the easement would authorize no road maintenance unless prior approval was obtained by the applicant. The easement through the applicant's private property would consist of three routes. One traveling to the northeast, one to the northwest and one to the west. The total length of the roads would be approximately 6,442 feet (1.22 miles) in length with a width to stay within the existing disturbed area, not to exceed 15 feet. The total easement would be approximately 2.22 acres.

The ROW and easement roads are located in the Cedar City Field Office. There are no valid and existing rights encumbering the lands within the ROW and easement area for access roads. There are no mining claims, rights of third parties, or other title factors that would prohibit the grant of this ROW and easement. The ROW and easement is located in the Gold Spring grazing allotment number 05172. The proposed use as an access road would not conflict with the current grazing management.

B. Land Use Plan Conformance

The proposal is subject to the Pinyon Management Framework Plan approved June 10, 1983. The proposed action has been reviewed for conformance with this plan and has been found to be consistent with:

- Lands Objective L-2, which provides that BLM “make sufficient public lands in the planning unit available for right-of-way purposes in designated corridors or sites”.
- Land criteria number 3, “ensures the accessibility of public lands in areas where access is needed and cannot otherwise be obtained”, as amended on September 23, 1997
- Land criteria number 4, “is essential to allow effective management of public lands in areas where consolidation of ownership is necessary to meet resource management objective”, as amended on September 23, 1997

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

- 516 DM Chapter 11.9.E (16) which reads: “Acquisition of easement for an existing road or issuance of leases, permits, or rights-of-way for use of existing facilities, improvements, or sites for the same or similar purposes.”
- 516 DM Chapter 11.9.E (17) which reads: “Grant of a short rights-of-way for utility service or terminal access road to an individual residence, outbuilding, or water well.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially significantly affecting the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

I considered the attached terms and conditions when making my decision, and they should be made a part of the grant.

D. Signature

Authorizing Official:



Dave Jacobson
Acting Field Manager

Date: 2-6-2015

Contact:

For additional information concerning this CX please contact:

Michelle Campeau
Realty Specialist
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, UT 84721
(435) 865-3047

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	A. Stephens	01/20/2015
Areas of Critical Environmental Concern	No	Dave Jacobson	1-20-2015
Cultural Resources	No	Jamie Palmer	2/2/2015
Environmental Justice	No	Michelle Campeau	09/10/2014
Farm Lands (prime or unique)	No	A. Stephens	01/20/2015
Floodplains	No	A. Stephens	01/20/2015
Invasive Species/Noxious Weeds	No	A. Stephens	01/20/2015
Migratory Birds	No	S. Whitfield	01/29/15
Native American Religious Concerns	No	Jamie Palmer	2/2/2015
Threatened, Endangered, or Candidate Species	No	S. Whitfield	01/29/15
Wastes (hazardous or solid)	No	Randy Peterson	01/21/2015
Water Quality (drinking or ground)	No	A. Stephens	01/20/2015
Wetlands / Riparian Zones	No	A. Stephens	01/20/2015
Wild and Scenic Rivers	No	Dave Jacobson	1-20-2015
Wilderness	No	Dave Jacobson	1-20-2015
Other: Forestry	No		

* A "yes" means that extraordinary circumstances *do* apply and this action would not be eligible for a CX. If you write "yes" here we will do an environmental assessment.

Program Lead Michelle Campeau

Date: 2/5/15

Environmental Coordinator Nina Skowronski

Date: 2/6/15

Note: A decision letter and Bureau of Land Management Right-of-Way Grant/Temporary Use Permit, Form 2800-14, are the decision documents that will be prepared to authorize the action covered by this Categorical Exclusion following Lands and Realty specific guidance.

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No <div style="text-align: center;">X</div>	Rationale: The authorization of the proposed road ROW and easement is designed to minimize impacts to public health and safety by not allowing any additional disturbance. The roads would be used and maintained within their existing disturbed boundaries.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No <div style="text-align: center;">X</div>	Rationale: The proposed action would not affect any of the above cited resources. The proposed action is designed to minimize impacts to cultural resources by not allowing any additional disturbance beyond what already exists.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No <div style="text-align: center;">X</div>	Rationale: The proposed action would create no additional impacts to the environment beyond those already present. It is not highly controversial nor does it involve any unresolved conflicts. The roads are existing features of the landscape and will only be maintained to their existing character.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No <div style="text-align: center;">X</div>	Rationale: The environmental impacts would be negligible. No unique unknown environmental risks are anticipated. The impacts are predictable based on previous similar projects. The roads are existing features of the landscape and will only be maintained to their existing character.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <div style="text-align: center;">X</div>	Rationale: The proposed action would not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. The roads are existing features on the landscape and will only be maintained to their existing character. The BLM routinely grants ROWs and obtains easements on roads. All future actions will be considered independently.

Extraordinary Circumstances		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: The impacts from the proposal are expected to be negligible and would not contribute to potentially cumulative significant impacts not or in the reasonably foreseeable future. The roads are existing features on the landscape and will only be maintained to their existing character.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	Rationale: No new disturbance or physical changes are proposed on the ground. The roads are existing features on the landscape. The terms and conditions would provide protection to cultural resources, if applicable.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No X	Rationale: No new disturbance or physical changes are proposed on the ground. The roads are existing features on the landscape and will only be maintained to their existing character to minimize impacts to wildlife. The terms and conditions would provide protection to wildlife resources, if applicable.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: The proposed authorizations would be in conformance with all known environmental laws or requirements under the proposed terms and conditions. The roads are existing features on the landscape and will only be maintained to their existing character.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: Title VI of the Civil Rights Act and Executive Order 12898 ("Environmental Justice") require federal agencies to identify and address "disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." In accordance with CEQ Environmental Justice Guidelines, minority populations should be identified and effects to them analyzed, if either of the following two conditions apply: (1) of those likely to be affected by the Proposed Action, 50 percent or more would be part of the minority population, and (2) within the project area, the minority population percentage is greater than the minority population percentage outside the project area or in the general population. Neither of these conditions applies to the project area for this effort. Therefore, implementation and potential environmental consequences of the action considered would not disproportionately affect any specific group of people (including any racial, ethnic, or socioeconomic group).

Extraordinary Circumstances

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes	No X	Rationale: The proposed action would not limit access to any known sites nor affect the physical integrity of such.
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12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes	No X	Rationale: The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds and non-native invasive plants. The authorization would include current terms and conditions for the control of noxious weeds.
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EXHIBIT – A

LEGAL DESCRIPTION

White Family – Road ROW

UTU-88508

Meridian	Township	Range	Section	Subdivision
SLM	T. 33 S.	R. 20 W.	23	SENE, W2NESE, W2SESE;
SLM	T. 33 S.	R. 20 W.	26	W2NENE, SENE, NENESE;

Acres: 2.55

BLM – Road Easement

UTU-88508-PT

Meridian	Township	Range	Section	Subdivision
SLM	T. 33 S.	R. 20 W.	14	SESE;
SLM	T. 33 S.	R. 20 W.	23	NENE;

Acres: 2.22

EXHIBIT – C

MAP

Proposed Reciprocal ROW/Easement White's Ranch Property

